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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

CEDRICK HALL,

Defendant and Appellant.

E066510

(Super.Ct.No. RIF1400159)

OPINION

APPEAL from the Superior Court of Riverside County. Steven G. Counelis,
Judge. Affirmed.

Sheila O'Connor, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Cedrick Hall appeals from the trial court's order denying his petition under Penal Code section 1170.18 to have his 2015 drug conviction declared a misdemeanor.¹ We affirm.

FACTS AND PROCEDURE

On September 22, 2013, defendant possessed a usable amount of methamphetamine while in the custody of the California Rehabilitation Center. On April 14, 2015, defendant pled guilty to one felony count of possessing a controlled substance (methamphetamine) in a prison, in violation of section 4573.6. Defendant also admitted one prior strike allegation. (§§ 667, subds. (c) & (e)(1), 1170.12, subd. (c)(1).) After dismissing another charge and several prior conviction allegations, the court imposed the low term of two years in state prison, doubled to four years for the strike prior, to run consecutive to the prison term from a case in another county.

On April 29, 2016, defendant filed a petition under section 1170.18, seeking to have his in-prison drug offense declared a misdemeanor. The People responded that defendant's offense under section 4573.6 is not a qualifying felony. On June 20, 2016, the trial court entered an order denying defendant's petition on that ground.

This appeal followed.

DISCUSSION

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979)

¹ All further statutory references are to the Penal Code except where otherwise indicated.

25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth a statement of the case, a summary of the facts and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and find no error.

DISPOSITION

The order denying defendant's petition is affirmed.

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RAMIREZ
P. J.

We concur:

MILLER
J.

SLOUGH
J.